

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

ADJUSTACAM LLC

v.

AMAZON.COM, INC.; ET AL.

NO. 6:10-cv-329-LED

JURY

**PLAINTIFF'S ANSWER TO THE COUNTERCLAIMS OF COMPUSA, NEW  
COMPUSA, SYSTEMAX AND TIGERDIRECT**

Plaintiff AdjustaCam LLC ("AdjustaCam") answers the counterclaims (Dkt No. 494) of Defendants CompUSA.com, Inc., New CompUSA Corp., TigerDirect, Inc. and Systemax, Inc. (collectively "CompUSA"), by corresponding paragraph number, as follows:

168-72. Admitted.

173. Admitted as to subject matter jurisdiction over counterclaims. Denied as to merits of counterclaims.

174. Admitted as to personal jurisdiction. Denied as to merits of counterclaims.

175. Admitted as to venue over counterclaims. Denied as to merits of counterclaims. Denied that venue is not convenient.

176. Paragraph 176 purports to "repeat and reallege each and every allegation contained in paragraphs 1-175." This is improper and not reasonably subject to being admitted or denied. Subject to the foregoing, AdjustaCam denies the merits of CompUSA's denials, defenses and counterclaims, and AdjustaCam re-alleges infringement, validity and damages, and denies all allegations in CompUSA's Answer/Counterclaims adverse to same.

177. Admitted that AdjustaCam is the exclusive licensee of, and owner of all substantial rights to, the '343 patent.

178. Admitted as to subject matter jurisdiction over counterclaims. Denied as to merits of counterclaims.

179. Admitted that CompUSA is not entitled to any remedies against AdjustaCam. CompUSA's allegation of having no adequate remedy at law is vague and lacks antecedent basis. AdjustaCam lacks knowledge or information sufficient to form a belief about the truth of such allegations, and thus they are denied by operation of law.

180. Denied that CompUSA is entitled to any such relief.

181. Paragraph 181 purports to "repeat and reallege each and every allegation contained in paragraphs 1-180." This is improper and not reasonably subject to being admitted or denied. Subject to the foregoing, AdjustaCam denies the merits of CompUSA's denials, defenses and counterclaims, and AdjustaCam re-alleges infringement, validity and damages, and denies all allegations in CompUSA's Answer/Counterclaims adverse to same.

182. Denied.

183. Admitted as to subject matter jurisdiction over counterclaims. Denied as to merits of counterclaims.

184. Admitted that CompUSA is not entitled to any remedies against AdjustaCam. CompUSA's allegation of having no adequate remedy at law is vague and lacks antecedent basis. AdjustaCam lacks knowledge or information sufficient to form a belief about the truth of such allegations, and thus they are denied by operation of law.

185. Denied that CompUSA is entitled to any such relief.

186. Paragraph 186 purports to "repeat and reallege each and every allegation contained in paragraphs 1-185." This is improper and not reasonably subject to being admitted or denied. Subject to the foregoing, AdjustaCam denies the merits of CompUSA's denials, defenses and

counterclaims, and AdjustaCam re-alleges infringement, validity and damages, and denies all allegations in CompUSA's Answer/Counterclaims adverse to same.

187. Admitted as to subject matter jurisdiction over counterclaims. Denied as to merits of counterclaims.

188. Admitted that CompUSA is not entitled to any remedies against AdjustaCam. CompUSA's allegation of having no adequate remedy at law is vague and lacks antecedent basis. AdjustaCam lacks knowledge or information sufficient to form a belief about the truth of such allegations, and thus they are denied by operation of law.

199. Denied that CompUSA is entitled to any such relief.

200. CompuUSA's purported "reservation of rights" is not reasonably subject to being admitted or denied. Subject to the foregoing, denied that CompUSA has any basis to supplement or amend its defenses or counterclaims.

201. To the extent necessary, AdjustaCam denies that CompuUSA is entitled to the relief requested in its prayer for relief. In addition, to the extent necessary, AdjustaCam generally denies any allegation in the counterclaims not specifically admitted above, and AdjustaCam re-alleges infringement, validity and damages, and denies any allegations in the counterclaim adverse to same.

#### PRAYER FOR RELIEF

WHEREFORE, AdjustaCam respectfully requests that this Court enter judgment denying and dismissing CompuUSA's counterclaims, and that the Court enter judgment in favor of AdjustaCam as requested in AdjustaCam's complaint, as amended or supplemented.

September 19, 2011

Respectfully submitted,

ADJUSTACAM LLC

By: /s/ John J. Edmonds

John J. Edmonds – LEAD COUNSEL

Texas Bar No. 789758

Michael J. Collins

Texas Bar No. 4614510

COLLINS, EDMONDS & POGORZELSKI, PLLC

1616 S. Voss Road, Suite 125

Houston, Texas 77057

Telephone: (281) 501-3425

Facsimile: (832) 415-2535

jedmonds@cepiplaw.com

mcollins@cepiplaw.com

Andrew W. Spangler

Texas Bar No. 24041960

Spangler Law P.C.

208 N. Green Street, Suite 300

Longview, Texas 75601

(903) 753-9300

(903) 553-0403 (fax)

spangler@spanglerlawpc.com

ATTORNEYS FOR PLAINTIFF

ADJUSTACAM LLC

### **CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

September 19, 2011

/s/ John J. Edmonds

John J. Edmonds